

SENATE BILL

No. 35

Introduced by Senators Lowenthal and Hancock

February 5, 2010

An act to add Sections 17072.19 and 17074.31 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 35, as introduced, Lowenthal. School facilities funding: high performance schools.

(1) Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act), requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding and supplemental funding for site development and acquisition and requires the board to adopt rules and regulations for the administration of the Greene Act. The Kindergarten-University Public Education Facilities Bond Act of 2006 sets aside \$100,000,000 of the proceeds of the bonds sold under that act for incentive grants under the Greene Act to promote the use of design and materials in new construction and modernization projects that include the attributes of high performance schools.

Existing law authorizes a grant for new construction to be used for the costs of design and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high performance schools. A school district is required to certify, as part of its application for funding under the

Greene Act, that it has considered the feasibility of using these characteristics of high performance schools.

This bill would increase the amount of a grant for new construction to provide 50% of the additional costs associated with the use of design, the purchase of materials, and construction that promote the use of specified characteristics of a high performance school if the total amount of those costs exceeds specified nonresidential building energy efficiency standards by at least 15%. The bill would also increase the amount of a grant for a modernization project to provide for 60% of those additional costs. The bill would limit funding for these increases to \$1,500,000 per schoolsite. The bill would require the State Allocation Board to adopt, and the Office of Administrative Law to process, emergency regulations to implement the increases. The provisions of the bill would be applicable, as specified, to contracts for these additional design, material, and construction costs signed on or after January 31, 2010.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on January 8, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on January 8, 2010, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17072.19 is added to the Education Code,
2 to read:
3 17072.19. (a) Notwithstanding Section 17072.10, if a school
4 district incorporates the use of the high performance design and
5 materials specified in Section 17070.96, the amount of a new
6 construction grant shall provide 50 percent of the additional costs
7 associated with the high performance design, the purchase of
8 related materials, and construction.
9 (b) Regulations adopted by the board to implement this section
10 shall specify that a school district is eligible for the increase
11 authorized by this section if the high performance design and

materials exceed the nonresidential building energy standards specified in Part 6 of Title 24 of the California Code of Regulations by 15 percent.

(c) Funding for the amount of an increase made to a new construction grant pursuant to this section that is provided pursuant to paragraph (8) of subdivision (a) of Section 101012 shall not exceed one million five hundred thousand dollars (\$1,500,000) per schoolsite.

(d) Funding increases pursuant to this section shall be available for reimbursement and grants for contracts that are signed on or after January 31, 2010.

SEC. 2. Section 17074.31 is added to the Education Code, to read:

17074.31. (a) Notwithstanding Section 17074.10, if a school district incorporates the use of the high performance design and materials specified in Section 17070.96, the amount of a modernization grant shall provide 60 percent of the costs associated with the high performance design, the purchase of related materials, and construction.

(b) (1) Projects that are subject to the provisions of the nonresidential building energy standards specified in Part 6 of Title 24 of the California Code of Regulations shall exceed those standards by a minimum of 15 percent to be eligible for the funds authorized by this section.

(2) Notwithstanding subdivision (a), replacement of space conditioning equipment and systems shall be funded at 60 percent of the design, material purchase, installation, and system acceptance, energy management control systems, and commissioning costs associated with exceeding the mandatory requirements for space conditioning equipment and exceeding the prescriptive requirements for space conditioning systems of the California 2008 Building Energy Efficiency Standards.

(c) Regulations adopted by the board to implement this section shall specify that if a project includes renewable energy, a school district is eligible for the increase authorized by subdivision (a) if an energy savings of 15 percent is achieved, as compared to schoolsite consumption on or after January 31, 2005, through energy efficiency retrofit or replacement. The regulations also shall specify that the increase is available for all other nonrenewable energy additional costs associated with the high

1 performance design, the purchase of related materials, and
2 construction included in the project.

3 (d) The amount of an increase made to a modernization grant
4 pursuant to this section shall not exceed one million five hundred
5 thousand dollars (\$1,500,000) per schoolsite.

6 (e) Within 14 days of the date this section becomes operative,
7 the board shall adopt emergency regulations that include a
8 reimbursement and grant application process.

9 (f) The Office of Administrative Law shall process the
10 emergency regulations adopted by the board within 14 calendar
11 days of their adoption.

12 (g) Funds received by a school district pursuant to this section
13 do not constitute a modernization apportionment pursuant to this
14 article, and do not reduce modernization eligibility authorized by
15 Article 6 (commencing with Section 17073.10).

16 (h) The energy efficiency and renewable energy savings realized
17 from a project pursuant to this section, as calculated annually over
18 the useful life of the project, shall be retained by the school district.
19 The state funding shall not be reduced based on realized energy
20 efficiency and renewable energy savings.

21 (i) Funding increases pursuant to this section shall be available
22 for reimbursement and grants for contracts that are signed on or
23 after January 31, 2010.

24 SEC. 3. This act addresses the fiscal emergency declared by
25 the Governor by proclamation on January 8, 2010, pursuant to
26 subdivision (f) of Section 10 of Article IV of the California
27 Constitution.

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